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**Drawing Amendments**

There are no amendments to the drawings.

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**Remarks**

The Office Action of 03/24/2008 rejected claims 1-5 and 9-12 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,542,436 of V. Myllyla (hereafter referred to as Myllyla). Further, the Office Action rejected claims 13-22 under 35 U.S.C. §103(a) as unpatentable over Myllyla in view of U.S. Patent No. 5,680,450 of P.W. Dent, et al. (hereafter referred to as Dent). No claims are being amended or canceled.

**Rejection of Claims 1-5 and 9-12 under 35 U.S.C. §102(e) in View of Myllyla**

Claim 1 recites the following:

A method for detecting presence of a user at a telecommunication terminal, comprising the steps of:  
testing acoustic paths communicating audio information from and back to the telecommunication terminal; and  
determining the presence of the user based on changes in the acoustic paths.

This rejection is respectfully traversed.

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann*

*Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984); *citing Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983) (emphasis added). Applicant respectfully submits

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that anticipation under 35 U.S.C. §102(b) based on Myllyla does not meet this requirements.

Claim 1 clearly recites "determining the presence of the user based on changes in the acoustic paths." Myllyla does not disclose detecting the presence of the user rather discloses a system for determining if the mobile telephone is to be used in the hands-free mode (mobile telephone away from the ear of the user) or handset mode (mobile telephone next to the ear of the user). Myllyla clearly describes this type of operation in column 1, lines 20-31 and column 3, lines 9-15. Myllyla does not disclose or suggest detecting the presence of the user since Myllyla discloses the assumption that the user is present and is only trying to determine the location of the mobile telephone to the user's head.

The Office Action, on page 3, first paragraph, states "determining the presence of the user based on changes in the acoustic paths (Figs. 1-2, col. 3, lines 4-8, i.e., the altered measurement signal is compared to a predetermined threshold value for determining the presence of the user)." What the cited text actually states is "to detect the measurement signal; and determining that an object is in proximity to the device based on a detected alteration of the measurement signal. The device may comprise a mobile telephone, such as a cellular telephone, or a personal communicator." There is no disclosure that the user's presence is being detected in the cited text rather only an object (the head of the user) is being

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detected. As previously noted, the proximity of the head is used in Myllyla to determine whether to utilize the hands-free or handset mode of operation of the mobile telephone as is clearly explained in Myllyla at column 3, lines 9-15 which immediately follows the text cited by the Office Action.

Applicant respectfully submits that claim 1 is patentable under 35 U.S.C. §102 for the above reasons.

Dependent claims 2-5 are directly or indirectly dependent on claim 1 and are patentable for at least the same reasons as claim 1.

Claims 9-12 are patentable for the same reasons as claims 1-5.

Rejection of Claims 13-22 under 35 U.S.C. §103(a) as unpatentable over Myllyla in view of Dent

Claim 13 recites the following:

An apparatus for detecting presence of a user at a telecommunication terminal, comprising:  
an echo canceller for canceling echoes caused by acoustic paths to audio information from and back to the echo canceller;  
and  
a controller responsive to changes in the echo canceller for determining the presence and non-presence of the user at the telecommunication terminal.

This rejection of claim 13 is respectfully traversed.

Claim 13 clearly recites "a controller responsive to changes in the echo canceller for determining the presence and non-presence of the user at the telecommunication terminal." The Office Action, on page 6, fourth paragraph, states the following:

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a controller (Fig. 1, 3 DIGITAL SIGNAL PROCESSING UNIT (DSP)) responsive to changes in the echo canceller for determining the presence and non-presence of the user at the telecommunication terminal (Figs. 1-3, col. 3 lines 4-8, and col. 4 lines 54-59, i.e., the difference is compared to a predetermined threshold value for determining the presence or non-presence of a user).

As previously shown in the earlier paragraphs, Myllyla does not disclose determining the presence or non-presence of the user but rather, discloses determining whether the mobile telephone is being held at the user's ear or not. Myllyla does not disclose an echo canceller. The Office Action cites Dent as disclosing an echo canceller. Dent does disclose an echo canceller; but Dent does not disclose determining the presence or non-presence of the user using that echo canceller. Dent only discloses using the echo canceller in a conventional manner.

In view of the foregoing, applicant respectfully submits that claim 13 is patentable under 35 U.S.C. §103 in light of Myllyla in view of Dent.

Dependent claims 14-17 are directly or indirectly dependent on claim 13 and are patentable for at least the same reasons as claim 13.

Claims 18-22 are patentable for the same reasons as claims 13-17.

### Summary

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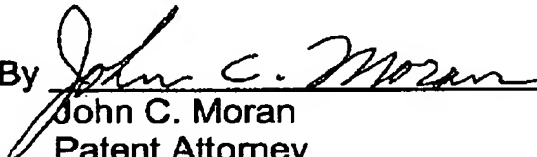
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In view of the foregoing, applicant respectfully requests reconsideration of claims 1-5, 9-12 and 13-22, as presently in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,  
Julian Orbach

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